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| 09/822,167 | 03/30/2001 | Robert J. Masterson | 1662-35900 JMH (P00-3056) | 6276 |

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| EXAMINER | |
|---|---|
| FAROOQ, MOHAMMAD O | |
| **ART UNIT** | **PAPER NUMBER** |
| 2181 | |

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/822,167 | MASTERSON ET AL. | |
| | Examiner | Art Unit | |
| | Mohammad O. Farooq | 2181 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5,7,9-22 and 26-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,9-22 and 26-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Withdrawal of Finality*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Allowable Subject Matter*

2. The indicated allowability of claims 12-15, 17-19, 26-29 and 31-33 are withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 7, 9-15, 17-20, 26 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kloba et al. U.S. Pat. No, 6,341,316.

4. As to claim 1, Kloba et al. teach method, wherein the method comprises:

receiving device configuration information from a user (item 160B, Fig. 1C; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (item 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...");

receiving a synchronization request from an electronic device that is to be configured in accordance with the configuration information (item 160C, Fig. 1C and item 170A, Fig. 1H1 show client sending a request for synchronization and server receiving request, the request causing channel information to be synchronized);

providing device configuration information from the database to the electronic device in response to the synchronization request (160D, fig. 1C, server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies); and

wherein the synchronization request further includes an indication of whether any configuration changes have been made on the electronic device since a previous synchronization (item 180B-C, Fig. 1M shows that any change, e.g., an addition of a channel by the user to the portable electronic device will be noted and synchronized upon the next synchronization request).

5. As to claim 2, Kloba et al. teach, wherein the electronic device is designed for residential use (Fig. 1V).

6. As to claim 4, Kloba et al. teach method, wherein the electronic device is one of a set consisting of: alarm clocks, answering machines, audio electronics, multimedia electronics (a computer or data processing unit; fig. 1B1), home management systems, security systems and sprinkler systems.

7. As to claim 7, Kloba et al. teach, wherein the synchronization request includes a serial number of the electronic device (client identifiers; item 176D; fig. 1K).

8. As to claim 9, Kloba et al. teach method, wherein the synchronization request further includes any configuration changes that have been made on the electronic device since a previous synchronization ( item 180B-C, Fig. 1M).

9. As to claim 10, Kloba et al. teach method, further comprising:

after receiving any configuration changes from the electronic device, updating the configuration information of the device in the database (item 126, Fig. 1B, databases are updated based on changes to the channels; Column 8, lines 38-61 state database managing information of the channels).

10. As to claim 11, Kloba et al. teach method, wherein if any configuration changes from the electronic device conflict with configuration information provided by the user since the previous synchronization, priority is given to whichever changes were most recently made (item 1700; fig. 1H1).

11. As to claim 12, Kloba et al. teach method, wherein the method comprises:

receiving device configuration information from a user (item 160B, Fig. 1C; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (item 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...");

providing device configuration information from the database to the electronic device (160C, fig. 1C, 1Z; server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies);

periodically servicing an account associated with the electronic device (fig. 31; Fig. 1T, shows the ability to set recurring, e.g., hourly/daily synchronization),

wherein the servicing includes:

determining if alternate resources are enabled, and if so, updating the device configuration information in the online database in accordance with information obtained from the alternate resources (fig. 31; fig. 21, fig. 25; alternate resources, for example, are shown in Fig. 31, as link depth, whether to include images, etc.).

12. As to claim 13, Kloba et al. teach method, wherein the alternate resources include one of the set consisting of: news subscriptions, weather, personalized traffic information, financial markets, financial portfolio information, and television listings (fig. 25).

13. As to claim 14, Kloba et al. teach method, wherein, said act of updating the device configuration information includes changing a configuration value previously set by the user (Fig. 31, 1Z).

14. As to claim 15, Kloba et al. teach method, wherein the configuration value is a wakeup time (since it can be set by the options in fig. 31 and 32).

15. As to claim 17, Kloba et al. teach method, wherein the method comprises:

receiving an initial communication from the electronic device (item 160B, Fig. 1C; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

creating an account in the online database associated with the electronic device (item 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...");

receiving device configuration information from a user after said acts of receiving an initial communication and creating an account (item 164C, fig. 1E; fig. 31; item 160B, Fig. 1C; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (item 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels..."); and

providing device configuration information from the database to the electronic device (160C, fig. 1C, 1Z; server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies)

16. As to claims 18 and 19, Kloba et al. teach method, wherein, the initial communication includes a device serial number and an initial password (item 1760, fig. 1K; fig. 29).

17. As to claim 20, Kloba et al. teach system comprises:

a network (Fig. 1V);

one or more servers coupled to the network and configured to provide an online service, wherein the service includes:

providing a web page interface featuring a home page for an electronic device owned by a user (fig. 31; shows location indicating the address of a web page);

receiving device configuration information from the user via the interface (item 164C, fig. 1E; fig. 31; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (fig. 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...");

receiving a synchronization request from the electronic device (item 172D/172E, Fig. 1I1; item 160C, Fig. 1C and item 170A, Fig. 1H1 show client sending a request for synchronization and server receiving request, the request causing channel information to be synchronized); and

providing device configuration information from the database to the electronic device in response to the synchronization request (item 160C, fig. 1C, 1Z; server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies);

wherein the synchronization request includes a serial number of the electronic device (176D, fig. 1K) and further includes any configuration changes that have been made on the electronic device since a previous synchronization (fig. 1Z; fig. 31; item 180B-C, Fig. 1M shows that any change, e.g., an addition of a channel by the user to the portable electronic device will be noted and synchronized upon the next synchronization request).

18. As to claim 26, Kloba et al. teach system comprises:

a network (Fig. 1V);

one or more servers coupled to the network and configured to provide an online service, wherein the service includes:

providing a web page interface featuring a home page for an electronic device owned by a user (fig. 31; shows location indicating the address of a web page);

receiving device configuration information from the user via the interface (164C, fig. 1E; fig. 31; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (fig. 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...");

providing device configuration information from the database to the electronic device (item 160C, fig. 1C, 1Z; server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies); and

periodically servicing an account associated with the electronic device, wherein the servicing includes determining if alternate resources are enabled, and if so, updating the device configuration information in the online database in accordance with information obtained from the alternate resources (fig. 31; shows the ability to set recurring, e.g., hourly/daily synchronization fig. 25; alternate resources, for example, are shown in Fig. 31, as link depth, whether to include images, etc).

19. As to claim 31, Kloba et al. teach system comprises:

a network (Fig. 1V);

one or more servers coupled to the network and configured to provide an online service, wherein the service includes:

receiving an initial communication from the electronic device (items 160A, 160B and 160C; Fig. 1C; item 160B, Fig. 1C; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

creating an account in the online database associated with the electronic device (item 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels...").

providing a web page interface featuring a home page for an electronic device owned by a user (fig. 31; fig. 31; shows location indicating the address of a web page);

receiving device configuration information from the user via the interface after said receiving an initial communication and creating an account item (164C, fig. 1E; fig. 31; Column 14, lines 20-35, user identifies channel information he wishes to have on portable device, item 106, fig. 1A, the channel information here is equated to the configuration information; once the user identifies channel information on the device, the server receives this information);

storing the device configuration information into an online database (fig. 126, Fig. 1B; Column 8, lines 38-61, database 126 maintains/stores channel information of the user, "...database modules 126 maintains information relevant to the clients...", "...database module 126 manages information on the collection of channels..."); and

providing device configuration information from the database to the electronic device item (160C, fig. 1C, 1Z; server having the database, item 126, gathers channels and sends to device upon synchronization request, element 160C; channels being the configuration information the user specifies).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloba et al. U.S. Pat. No. 6, 341,316 in view of Cheng US 2001/0032273.

21. As to claims 3 and 5, Kloba et al. do not teach a digital audio recorder and a white good.

However, Cheng teaches a digital audio recorder (AV device; page 1, paragraph 0005) and a white good (home applicances; page 1, paragraph 0005). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kloba et al. and Cheng because that would provide seamless interoperability among home entertainment products; and would provide consumer electronics and home appliances to communicate with each other (page 1, paragraph 0005).

22. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloba et al. U.S. Pat. No. 6,341,316 in view of Yamaura et al. U.S. Pat. No. 6,192,372.

23. As to claim 16, Kloba et al. do not teach wherein configuration information includes song playlists.

However, Yamaura et al. teach wherein configuration information includes song playlists (col. 7, lines 1-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kloba et al. and Yamaura et al. because that would provide simple and ease-of-operation of music performance configuration data selection (col. 1, lines 38-51).

24. Claim 21 is similar in limitations as claims 3. Kloba et al. and Cheng in combination teach method as set forth in claims 3. Therefore, Kloba et al. and Cheng in combination also teach system as set forth in claim 21.

25. Claim 22 is similar in limitations as claim 4. Kloba et al. teach method as set forth in claim 4. Therefore, Kloba et al. also teach system as set forth in claim 22.

26. Claims 27-29 are similar in limitations as claims 13-15. Kloba et al. teach method as set forth in claims 13-15. Therefore, Kloba et al. also teach system as set forth in claims 27-29.

27. Claim 30 is similar in limitation as claim 16. Kloba et al. and Yamaura et al. in combination teach method as set forth in claim 16. Therefore, Kloba et al. and Yamaura et al. in combination also teach system as set forth in claim 30.

28. Claims 32 and 33 are similar in limitations as claims 18 and 19. Kloba et al. teach method as set forth in claims 18 and 19. Therefore, Kloba et al. also teach system as set forth in claims 32 and 33.

***Response to Arguments***

29. Applicant's arguments with respect to claims 1-5,7,9-22 and 26-33 have been considered but are moot in view of the new ground(s) of rejection.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq
January 31, 2006

KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/2/06